

The PRESIDENT. The gentleman from Carolina (Mr. Todd) had the right to read from the Scripture, and of course every gentleman has a right to put his own interpretation upon it. The Chair cannot restrain the discussion unless it takes the form of personality.

Mr. PUGH. That was the point; it was a personal discussion.

Mr. CLARKE. I considered myself at liberty to refer to it, as the gentleman himself said that was his profession.

Mr. TODD. I made no reference to it.

Mr. STOCKBRIDGE. The profession of gentlemen is not relevant to the subject before the Convention.

Mr. CLARKE. I was referring to his peculiar knowledge of the Bible.

The PRESIDENT. The gentleman from Prince George's (Mr. Clarke) can proceed in order. There must be no personal allusions.

Mr. CLARKE. I turn to the 18th chapter of Ezekiel in reply to the commentaries which the gentleman has cited with regard to the punishment of treason, and visiting the sins of the fathers upon the children:

"2. What mean ye that ye use this proverb concerning the land of Israel, saying, the fathers have eaten sour grapes, and the children's teeth are set on edge?"

"3. As I live, saith the Lord God, ye shall not have occasion any more to use this proverb in Israel.

"4. Behold all souls are mine; as the soul of the father, so also the soul of the son is mine: the soul that sinneth it shall die.

"5. But if a man be just, and do that which is lawful and right;

"6. And hath not eaten upon the mountains, neither hath lifted up his eyes to the idols of the house of Israel, &c.

"9. Hath walked in my statutes, and hath kept my judgments to deal truly; he is just, he shall surely live, saith the Lord God.

"10. If he beget a son that is a robber, a shedder of blood, and that doeth the like to any one of these things," &c.

"13. Shall he then live? he shall not live: he hath done all these abominations; he shall surely die; his blood shall be upon him.

"14. Now, lo, if he beget a son, that seeth all his father's sins which he hath done, and considereth, and doeth not such like,

"15. That hath not eaten upon the mountains, neither hath lifted up his eyes to the idols of the house of Israel," &c.

"17. He shall not die for the iniquity of his father, he shall surely live.

"18. As for his father, because he cruelly oppressed, spoiled his brother by violence, and did that which is not good among his people, lo, even he shall die in his iniquity.

"19. Yet say ye, why? doth not the son bear the iniquity of the father? When the son hath done that which is lawful and right, and hath kept all my statutes, and hath done them, he shall surely live.

"20. The soul that sinneth, it shall die. The son shall not bear the iniquity of the father, neither shall the father bear the iniquity of the son: the righteousness of the righteous shall be upon him, and the wickedness of the wicked shall be upon him."

I will simply let Scripture speak in its own eloquent language, without adding one word.

Mr. CUSHING. I want to bring back the discussion, if possible, to the amendment that is before the Convention from the wide range it has taken this morning. We have listened to the words of the prophet rendered in a voice so sweet that one would almost suppose that the voice of Ezekiel himself was sounding. But I have been unable to see how in the slightest degree it had any bearing upon the amendment before the Convention.

Mr. CLARKE. I was only replying to the Scriptural interpretation of the gentleman from Carolina, (Mr. Todd.)

Mr. TODD. I intended to have myself introduced the same passage of Scripture that the gentlemen read, but thought it was not proper to do so. I could show very clearly that it has no reference whatever to the present state, but only to the future; certainly no reference to treason.

Mr. CUSHING resumed. Whatever may be our opinions upon that, there seems to be no difference of opinion here, that to take away a man's life for treason is the just and proper punishment of his treasonable acts. I think we forget that we are here to legislate and not to advocate. The whole tenor of the debate among the gentlemen opposed to the introduction of this amendment has been that of advocates appealing to mercy, forgetting justice. The object of this penalty for treason, is justice and not mercy. Justice is the duty of the lawmaker. To appeal for mercy for the suffering wife and children is the part of the advocate, before the jury and the court, and not properly introduced before the Convention in considering the penalty proper to be attached to treasonable acts. Gentlemen argue here, as if appealing to a jury, rather than as arguing before a Constitutional Convention.

If to take a man's life is not too hard, does it make it any harder to take that away all of which he would give for his life? Is it any harder to take away from the rich man's children his property, than to take away from the poor man's children the life that is giving them bread? Gentlemen seem to forget that in most cases of treason, which may be tried, life and bread go together. The cases where there may be any large property will be but few; but in the bulk of the cases, the life and subsistence of the family will depend on the life of the man convicted of treason; and by taking away that life, you take away the support of his family.